

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TRUSTEES OF THE OPERATING
ENGINEERS PENSION TRUST et al.,

Plaintiffs,

v.

SVG CONTRACTORS, INC.,

Defendant.

Case No. 2:24-cv-06631-SB-KS

ORDER TO SHOW CAUSE RE
LACK OF PROSECUTION

Plaintiffs filed a proof of service indicating that they served Defendant by leaving a copy of the summons and complaint with a receptionist at its registered agent's office and mailing the materials to the registered agent at the same address. Dkt. No. 10. On November 26, 2024, the Court ordered Plaintiffs to show cause whether service on Defendant was proper. Dkt. No. 15. Plaintiffs' response to the order to show cause (OSC) demonstrates that they properly served Defendant's registered agent at the time service was made. Dkt. No. 16. Accordingly, the Court discharges the OSC re service.

However, the Court orders Plaintiffs to show cause, in writing, no later than December 13, 2024, why their claims should not be dismissed for lack of prosecution. Plaintiffs served Defendant on August 16, 2024, and service was deemed complete on August 26, 2024. Cal. Civ. Proc. Code § 415.20(a) (service deemed complete on the 10th day after mailing). Defendant failed to timely respond, and Plaintiffs have not sought entry of default.¹ The Court will consider as an appropriate response to this order to show cause (OSC) the filing, on or before December 13, 2024, of an application for entry of default under Federal

¹ Defendant's deadline to answer the complaint was September 16, 2024—before the commencement of the automatic bankruptcy stay in this case. *See* Dkt. Nos. 12, 14 (automatic bankruptcy stay commenced on September 24, 2024).

Rule of Civil Procedure 55(a). The filing of such an application shall result in the automatic discharge of this OSC without further order. Failure to timely respond to the OSC will be deemed consent to the dismissal without prejudice of Plaintiffs' claims.

Date: December 4, 2024

A handwritten signature in black ink, appearing to read 'JBS', written over a horizontal line.

Stanley Blumenfeld, Jr.
United States District Judge